IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO. 571 OF 2005
IN
SUMMARY SUIT NO. 438 OF 2004

Vikram Sitaram Chaudhari. ... Plaintiff.

V/s.

M/s. Cobit Engineering Pvt. Ltd. ... Defendant.

Mr. K.V. Tembe with Madhuri Gaikwad for the Plaintiff.
Mr. S.B. Prabhawalkar with Deepa Juvekar for the Defendant.

CORAM : DR. D.Y. CHANDRACHUD,J.

20TH JUNE 2007.

P.C. :-

. Counsel appearing on behalf of the Plaintiffs and Defendants stated that the facts in the present suit are similar to those in companion suit 606 of 2004 in which the Summons for Judgment that was taken out has been disposed of by an order passed today. However, the material difference is that in the present case the defence of the Defendant is that the entire loan of Rs.2,50,000/- was repaid. According to the Plaintiff, an amount of Rs.75,000/- was appropriated towards interest. On the other hand, according to the Defendant, the payment was in full and final settlement.

2. Having regard to the nature of the dispute and the fact that an amount of Rs.2,50,000/- has been paid, the Defendant is entitled to unconditional leave to defend the Suit. Unconditional leave is granted to defend the suit. The written statement shall be filed within a period of 6 weeks from today. The Summons for Judgment is accordingly disposed of.